IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 20404 of 2007(D)

OS.50/2007 of MUNSIFF COURT, PAYYANNUR

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PETITIONER:

FR.K.T.MATHEW,
VICAR, ST.JOHN'S CHURCH, ST.MARY'S ESTATE,
P.O.MATHAMANGALAM BAZAR, KANNUR DISTRICT 670306.

BY ADV. SRI.K.V.MANOJ KUMAR

RESPONDENTS:

MALABAR AYURVEDIC LTD.,
REPRESENTED BY ITS MANAGING PARTNER
A.P.HARITHAN, AGED 47 YEARS,
S/O.LATE AYADATHIL ACHUTHAN, EDAKKADU AMSOM,
KADALAY DESOM, P.O.KADALAY, KANNUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.20404 OF 2007 D

Dated this the 3rd July, 2007.

JUDGMENT

This writ petition is filed challenging the ex parte order of injunction of the Munsiff, Payyannur in O.S.50/07. When an ex parte injunction is passed under Order XXXIX Rule 4 CPC, it contemplates the other party to move the court to vacate or vary the order of injunction. Therefore, it is not necessary to entertain this writ petition as there is equally and sound efficacious remedy provided under the Civil Procedure Code. The court may hear the injunction application after considering Ext.P4 objection and try to dispose of the matter within a time frame of six weeks. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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